THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.8029 of 2007

19-04-2007

Between:-

A. Subba Lakshmi

Petitioner

And

The Municipal Corporation of Kadapa,
Rep., by its Commissioner, Kadapa,
Kadapa district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.8029 of 2007

Oral order:

The writ petition is misconceived. In survey No.508 located on National High Way No.18, Chemmumiyapet, Kadapa city and district, the petitioner constructed S.L.V.R. Kalyanamantapam during
2001-02. On 11-08-2006, the first respondent issued a notice under Sections 405 and 406 of the Hyderabad Municipal Corporation Act, 1955, which is applicable to the first respondent Municipal Corporation, directing removal of alleged and specified encroachments by the structures in the Kalyanamantapam on public spaces.

According to the petitioner, she removed the encroachments and intimated the same by letter dated

05-12-2006 to the first respondent and requesting the first respondent to issue a 'clearance certificate' verifying the removal of the encroachments by the petitioner. There being no response by the first respondent, the petitioner got issued a legal notice dated 04-01-2007 reiterating the contents of the earlier letter dated 05-12-2006 and sensitizing the first respondent that she had removed the encroachments and again seeking issuance of the 'clearance certificate'. There being no response to the representation/legal notice either, the writ petition is filed.

Despite repeated queries by this Court neither the pleadings disclose nor does the learned counsel for the petitioner inform this Court as to under what law the petitioner is entitled to a 'clearance certificate' of the nature sought in the writ petition. No statutory or other obligation of the first respondent is brought to the notice of this Court whereunder the Municipal Corporation is required to issue a 'clearance certificate' as regards the constructions by the petitioner now being in accordance with the approved building permission.

A legal entitlement is the foundation for issuance of mandamus. No legal basis is urged in support of the relief sought in the writ petition. Accordingly no relief could be granted. The writ petition is therefore dismissed at the stage of admission. No costs.

GODA RAGHURAM, J

Dated:19-04-2007
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